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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,920	08/16/2000	Kiyohiko Yamazaki	OKI 259	3135

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WASHINGTON, DC 20005

EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/638,920

Applicant(s)

YAMAZAKI, KIYOHICO

Examiner

Pankaj Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Specification is objected to because of the following informalities:
  - a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
  - b. Abstract has a hyphen after the word "previously" which should be removed.
2. Appropriate correction is required.

### ***Priority***

3. Acknowledgment is made of receipt of foreign application filed in Japan on 10/29/1999. It is noted, however, that applicant has not filed a certified copy of the 10/26/1999 application which was claimed as the foreign priority document in the oath/declaration as required by 35 U.S.C. 119(b). It is also noted, that applicant has not claimed priority over the 10/26/1999 application through 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claim 4 recites the limitation "said pulse transfer circuit". There is insufficient antecedent basis for this limitation in the claim.

7. Claim 5 recites the limitation "the signal". There is insufficient antecedent basis for this limitation in the claim since there are many signals and the signal does not specifically point out which one.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tobita et al.

USPN 6385257.

10. As per claim 1, Tobita teaches a receiving circuit (Tobita fig. 1) for demodulating a received signal (Tobita fig. 1: 55) and detecting a synchronizing pattern (Tobita fig. 10: 64) from demodulated data in the demodulated received signal to thereby control the storage and output of desired data included in the demodulated data in response to the detected synchronizing pattern (Tobita fig. 10: CK24), comprising: a demodulator circuit which demodulates the received signal (Tobita fig. 1: 55) and outputs the demodulated data therefrom; a detector which detects a synchronizing pattern (Tobita fig. 10: 64) included in the demodulated data and outputs an instruction signal for providing instructions for the result of detection (Tobita fig. 10: CK24); a

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pulse generator (Tobita fig. 12) capable of receiving the instruction signal (Tobita fig. 12: CK24) and outputting a pulse signal (Tobita fig. 12: ADM) each time a predetermined time elapses since the reception of the instruction signal (Tobita fig. 12: ADM based on window pulse generator 104 and clock); a control circuit (Tobita fig. 12: 102) which outputs control signals corresponding to at least either one of the instruction signal and the pulse signal (Tobita fig. 12: 102 outputs based on CK24); and a clock generator which generates a clock signal for storing and outputting desired data (Tobita figs. 1, 10, 12 and others: various components store and outputs) included in the demodulated data in response to the control signal (Tobita fig. 10: output of 64A generates a clock CK24 which is used via other components for this purpose as explained above).

11. As per claim 2, Tobita teaches the receiving circuit as claimed in claim 1, further including a pulse transfer control circuit (Tobita fig. 10: 68) which receives the pulse signal (Tobita fig. 10: ADM) therein (Tobita fig. 1: it is inside the receiving circuit of fig. 1) and controls the transfer of a signal corresponding to the pulse signal to said control circuit (Tobita fig. 10: output of 68) according to a mode signal (Tobita fig. 10: ACK).

12. As per claim 3, Tobita teaches the receiving circuit as claimed in claim 1, wherein said pulse generator (Tobita fig. 12) comprises a counter (Tobita fig. 12: 123, 124) which performs counting based on an operating clock signal (Tobita fig. 12: CK24 is operating) used to operate said receiving circuit (Tobita fig. 1), and further including a clock transfer control circuit (Tobita fig. 12: 110) which receives the operating clock signal (Tobita fig. 12: CK24 is operating) therein and controls the transfer of a signal corresponding to the operating clock signal (Tobita

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fig. 12: 110 edge detector) to said pulse generator (Tobita fig. 12: output of 110 still inside fig. 12) according to a mode signal (Tobita fig. 12: 110 output is based on PWB).

13. As per claim 4, Tobita teaches the receiving circuit as claimed in claim 2, wherein said mode signal (Tobita fig. 10: ACK) specifies a normal operating mode at a first voltage level (Tobita fig. 10: ACK being sent or received) and specifies a bit error rate measuring mode at a second voltage level (Tobita fig. 10: no ACK being sent or received) different from the first voltage level, and said pulse transfer circuit (reject with 112) restrains the transfer of a signal corresponding to the pulse signal to said control circuit when the mode signal is of the first voltage level and permits the transfer of the signal corresponding to the pulse signal to said control circuit when the mode signal is of the second voltage level (Tobita figs. 1, 10, 12).

#### ***Allowable Subject Matter***

14. Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

PK

M. Gh -  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER